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Date of Deposit: February 15, 2007



Our Case No. 8285/461

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Susanne Crockett et al.	)	
	)	Examiner: Karen L. Le
Serial No. 10/027,224	)	
	)	Group Art Unit No. 2614
Filing Date: December 20, 2001	)	
	)	
For: METHOD AND SYSTEM FOR	)	
PROVIDING CALL FORWARDING	)	
INFORMATION TO A CALLING PARTY	)	
	)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the rejection that was mailed November 15, 2006 in the above-identified application. This rejection was mailed after the Notice of Panel Decision of September 1, 2006, which reopened prosecution. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

## **I. Introduction**

As a preliminary matter, Applicants appreciate the September 1, 2006 decision to reopen prosecution in accordance with the previously filed notice of appeal and pre-appeal brief. Applicants submit that the present rejections should also be withdrawn, for at least reasons similar to the reasons on which the reopening of prosecution was based. Since the pending claims have been rejected for the second time, Applicants are filing this Pre-appeal Brief Request for Review and Notice of Appeal. No fees are believed to be due in connection with the filing of this Notice of Appeal because this is the Applicant's first response since the previous Notice of Appeal was filed on July 26, 2006. Should a fee be deemed necessary for any reason, however, the Commissioner is hereby authorized to charge any fees required to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Claims 1, 4-11 and 14-21 and 23-24 are pending in the application. In the Office Action dated November 15, 2006, Claim 22 was objected to as being missing from the list of claims. The Office Action rejected claims 1, 4-11, 14-21 and 23-24 as being unpatentable over Rubin (US 5,832,061) in view of Gilbert et al. (US 6,795,530) and Schwend et al. (US 6,823,058). The Office Action rejected claims 10 and 20 under 35 U.S.C. 103(a) as being unpatentable over Rubin in view of Gilbert and Schwend and further in view of Kim (US 6,584,188).

## **II. The Office Action still does not correctly address missing elements of the claims**

The pending claims recite providing a forwarding number to a calling party if the calling party is authorized to receive the forwarding number, otherwise providing an alternate message. In this way, people that wish to change their number, such as the victims of stalkers, can provide the new number to some people but maintain the new number in secret from others. The claimed feature is not disclosed or suggest by any of the cited references.

### **A. Independent Claims 1, 11 and 21**

Pending independent claim 1 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number comprising "providing the first announcement to the calling party if the calling party is authorized"

“wherein the first announcement comprises a forwarding number of the called party” and “providing an alternate announcement if the calling party is not authorized.”

Pending independent claim 11 recites a telecommunication system for providing an announcement to a calling party in which a “first announcement is provided to the calling party if the calling party is authorized by the called party to receive the first announcement, wherein the first announcement comprises a forwarding number of the called party”. Also, “an alternate announcement is provided if the calling party is not authorized by the called party to receive the first announcement”.

Pending independent claim 21 recites a method for providing an announcement to a calling party when the calling party calls a disconnected telephone number that includes providing call forwarding information “if the calling party is authorized by the called party” and “otherwise providing an announcement”.

Rubin discloses an intelligent network architecture to handle calls placed to a network subscriber who has changed telephone numbers from an old telephone number to a new telephone number. As correctly noted by the Office Action, Rubin neither discloses nor suggests determining, in accordance with at least a portion of a telephone number, whether a calling party is authorized to receive a first announcement, and providing the first announcement to the calling party if the calling party is authorized by the called party to receive the first announcement. Nor does Rubin disclose or suggest that the first announcement is a forwarding number. Gilbert et al. and Schwend et al. fail to fill the gaps.

Gilbert et al. discloses a system and method for providing customized announcements to callers based on the called party telephone number and the calling party telephone number. See Abstract. When an incoming call is answered by a personal communications service, the system checks a database to determine whether or not the subscriber has identified that calling party number as a number that receives a personalized greeting. If the calling party number is in the database, the system plays the specific greeting selected by the subscriber for that specific caller or group of callers. Gilbert et al. does not disclose or suggest providing a forwarding number to authorized callers, and otherwise providing an alternate message.

Schwend et al. discloses a service switching point in an advanced intelligent network including a trigger associated with a specific digit string. Calls to a subscriber's old telephone number after disconnection may be met with an intercept announcement stating that the number has been disconnected, and possibly followed by an announcement stating the subscriber's new number. Schwend et al. does not disclose or suggest providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number. Schwend et al. also does not disclose or suggest otherwise providing an alternate message.

Conversely, the claims call for providing a forwarding number to a calling party if the calling party is authorized by the called party to receive the forwarding number, otherwise providing an alternate message. For at least this reason, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

**B. Claims 10 and 20**

Kim discloses an intelligent telephone system that includes a caller-ID circuit that extracts a call identifier from an incoming call. The system of Kim discloses keeping a call record log. None of the references, alone or in combination, disclose or suggest that a log is kept for a disconnected number. Moreover, none of the references, alone or in combination, disclose or suggest providing a forwarding number to a calling party if the calling party is authorized to receive it, otherwise providing an alternate message. Therefore, claims 10 and 20 should be allowed for the reasons discussed with regard to their respective independent claims discussed above.

**C. Claim 22**

Claim 22 had been previously cancelled, and the listing of claims had been properly listed since the Corrected Listing of Claims was filed July 26, 2006. The current objection appears to be an incorrect carry-over from previous Office Actions. Applicants request removal of this objection.

**III. There is No Motivation for the Proposed Combination of References**

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion,

or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01.

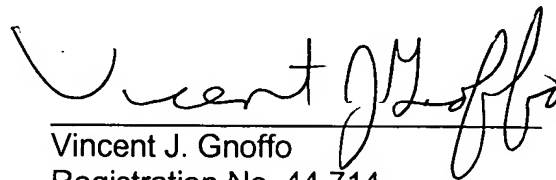
It would not have been obvious to incorporate the features of the Rubin system with the Gilbert et al. and Schwend et al. systems. There is no motivation to combine the systems. The systems of Rubin and Schwend et al. do not teach providing a forwarding number to authorized calling parties, otherwise providing an alternate message. Likewise, Gilbert et al. does not teach using a customized announcement system with disconnected number, nor using the customized announcement to provide a forwarding number of a disconnected phone line. Therefore, there would have been no motivation to combine the customized announcement system of Gilbert et al. with the call forwarding systems of Rubin and Schwend et al. For at least this additional reason, Applicants respectfully request that the rejection to the claims be withdrawn.

In addition, there is no motivation to combine the caller ID system of Kim with the systems of Rubin, Gilbert et al. and Schwend. A user would not purchase caller ID for a disconnected number. For at least these reasons, Applicants respectfully request that the rejection to claims 10 and 20 be withdrawn.

#### **IV. Conclusion**

For at least the above reasons, Applicants respectfully request review of the rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,

  
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